

REMARKS

The Applicants would like to thank Examiner Woods for taking the time to discuss the Office Communication and proposed claim amendments by telephone. The time and attention devoted to this matter is very much appreciated.

The Non-final Office Action, mailed May 3, 2007, considered claims 1–35. Claims 1–35 were rejected.¹ The Examiner requested that the independent claim be amended to conform more closely to the claims elected in a response to a restriction requirement of Mar. 27, 2006.²

By this response, claim 1 is amended such that claims 1–35 remain pending. Claim 1 is the only independent claim which remains at issue. Support for the amendments may be found generally throughout the Specification.³

Independent claim 1 has now been amended as suggested by the Examiner in the telephone conversation of June 28, 2007. Specifically, claim 1 has been amended to more positively recite the acts of the method and to remove the acts of “providing” as had been previously recited. The Applicants submit that the claims as now presented comport with the form as requested. Further, the Applicants submit that the claims as now presented cure the objection that the claims impermissibly mix statutory categories of invention.

In view of the Amendments, the Applicants respectfully request favorable reconsideration of the claims as now presented.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in any previous action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in previous actions at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Office Communication pp. 3–4 (paper no. 20070425) (mailed May 3, 2007).

³ Note that specific support for the amendments is not necessary as the claims recite substantially the same elements and limitations as the previously presented claims but are presented in altered form as suggested by the Examiner.

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 3rd day of August, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

RDN/JCJ/TMB:kjb
AHY0000005090V001